IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7904 OF 2004

Manish Bhalchandra Morekar
@ Manisha Ashok Keni Petitioner

versus

State of Maharashtra & others Respondents

R.K.Mendadkar, adv. for petitioner.
P.I.Khemani, AGP for respondents 1 and 2.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 21st October 2004

PC :

1. Rule. Respondents waive service. By consent, rule is made returnable forthwith.

2. The only question that falls for consideration is whether the petitioner is covered by GR dated 15th June 1995 and is eligible for protection as per said GR issued by the Government. The GR dated 15th June 1995, inter alia, reads as under :

> "4. The reservation granted to the abovequoted "Special Backward Class" is applicable to the Direct Recruitments and also promotions. Similarly the

> principle of Creamy layer shall not apply to this class. The persons belonging to this class already recruited on the basis of S.T. Certificate in Government, Semi-Government services and obtained promotions should not be reverted or terminated."

It is apparent from the bare reading of paragraph 4 of the GR that the reservation granted to "Special Backward Class" is applicable to the direct recruitments and also promotions and the persons belonging to this class already recruited on the basis of Scheduled Tribe certificate in the Government, Semi-Government service and obtained promotion, shall not be reverted or terminated.

3. Learned AGP fairly conceded that the petitioner belongs to Suryawanshi Koli Tribe, which is declared as Special Scheduled Tribe under the aforesaid GR, and, therefore, the Government is bound to follow the mandate of GR and extend protection to the petitioner.

4. In this view of the matter, rule is made absolute in terms of prayer clause (a).

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)